

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada

DEBORAH L. STACHEL, CSBN 230138
Regional Chief Counsel, Region IX
Social Security Administration
S. WYETH MCADAM, CSBN 223876
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (415) 268-5610
Facsimile: (415) 744-0134
E-Mail: Wyeth.McAdam@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ikelene M. Boh,)	Case No. 2:20-cv-00350-EJY
Plaintiff,)	
v.)	UNOPPOSED MOTION FOR EXTENSION TO
)	FILE ANSWER (SECOND REQUEST) AND
ANDREW SAUL,)	SUPPORTING DECLARATIONS
Commissioner of Social Security,)	
Defendant.)	

**MOTION FOR EXTENSION OF TIME TO FILE THE ELECTRONIC CERTIFIED
ADMINISTRATIVE RECORD AND ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, Andrew Saul, Commissioner of Social Security (the "Commissioner"), by and through his undersigned attorneys, hereby moves for a 60-day extension of time to file Defendant's Electronic Certified Administrative Record and Answer to Plaintiff's Complaint. Defendant's Electronic Certified Administrative Record and Answer to Plaintiff's Complaint are due to be filed by Friday, September 25, 2020.

1 In light of the global COVID-19 pandemic, SSA has taken the unprecedented step of
2 suspending in-office services to the public: <https://www.ssa.gov/coronavirus/>. The Agency is
3 focusing on providing the most critical services by mail, phone and online to those most in need.
4 SSA is also taking additional steps to protect its employees and help stop the spread of COVID-
5 19, maximizing social distancing, including significantly limiting employee access to SSA
6 facilities for health and safety only and has moved toward a temporary virtual work
7 environment. Electronic processes allow some of SSA's most critical work to continue with
8 minimal interruption; other workloads have been suspended until the health crisis abates or the
9 Agency is able to create new electronic business processes.

10 For purposes of this particular case, the public health emergency pandemic has
11 significantly impacted operations in the Social Security Administration's Office of Appellate
12 Operations (OAO) in Falls Church, Virginia. That office is responsible for physically producing
13 the administrative record that is required to adjudicate the case under Sections 205(g) and (h) of
14 the Social Security Act, 42 U.S.C. § 405(g) and (h). See SSA Program Operations Manual
15 System GN 03106.025.

16 As detailed in the attached declarations, beginning March 16, 2020, OAO's staff
17 members began to telework to protect employee health and prevent further spread of COVID-
18 19. At that time, critical in-person physical tasks associated with preparing the administrative
19 record could not be accomplished. For example, prior to the COVID-19 pandemic, to safeguard
20 Personally Identifiable Information (PII), all hearing recordings, which are part of the
21 administrative record, were downloaded onto compact discs and encrypted. OAO securely
22 routed the encrypted discs to a private contractor through a daily pickup and delivery service at
23 the Official Duty Station (ODS) in Falls Church, Virginia. The private contractor would
24 transcribe the hearing recording and send the paper copy of the hearing transcript back to OAO.
25 OAO personnel would then scan the hearing transcript into the electronic record or place the
26 hearing transcript in the paper case file. Thereafter, OAO personnel would assemble the

1 administrative record in a prescribed order.

2 To ensure a continuity of operations, OAO has been actively pursuing mitigation efforts
3 to allow the remote preparation of administrative records. For cases in which the private
4 contractors were already in possession of hearing recordings for transcription, with the
5 assistance of the Office of Acquisitions and Grants (OAG), OAO received approval to receive
6 these transcripts from the private contractors via secured email, e.g., using password protection
7 and redacted Social Security Numbers. In April 2020, OAO began receiving such hearing
8 transcripts from private contractors via secured email.

9 For cases in which OAO had not yet submitted recordings to the private contractors
10 before March 16, 2020, OAO has been pursuing all available options to obtain transcriptions for
11 these cases. In May 2020, OAO began encrypting hearing recordings and securely emailing
12 them to the contractors for transcription. Through the month of May, OAO and the contractors
13 worked to resolve technical issues that arose, particularly with large files. The process is
14 functioning now, albeit at only half of normal productivity.

15 Given the volume of pending cases, Defendant requests an extension in which to respond
16 to the Complaint until November 23, 2020. If in 60 days the electronic certified administrative
17 record is not prepared, the Commissioner will file a status report with the Court as to when he
18 expects the administrative record to be completed.

19 The undersigned affirms that opposing counsel, Matthew R. McGarry, does not object to
20 the requested extension.

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1 WHEREFORE, the Defendant asks the Court to enlarge the time for filing the Electronic
2 Certified Administrative Record and Answer to Plaintiff's Complaint until November 23, 2020.

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4 Respectfully submitted,


5 NICHOLAS A. TRUTANICH
6 United States Attorney
7 District of Nevada

8 Dated: September 23, 2020

9 /s/ S. Wyeth McAdam
10 S. WYETH McADAM
11 Special Assistant United States Attorney
12 Social Security Administration
13 Attorneys for Defendant

14 ~~PROPOSED ORDER~~

15 Pursuant to stipulation, IT IS SO ORDERED.

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HONORABLE ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

17 DATED: September 23, 2020
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